

Technical Advisory Committee Agenda
July 8, 2009
12:00 noon to 2:00 p.m.
Development Services Center / City Operations Building
1222 First Ave, San Diego, CA 92101
4th Floor Training Room

<u>Group Represented</u>	<u>Primary Member</u>	<u>Alternate</u>
Accessibility	<input type="checkbox"/> Mike Conroy	<input type="checkbox"/> Connie Soucy
Accessibility	<input type="checkbox"/> Cyndi Jones	<input type="checkbox"/> Connie Soucy
AGC	<input type="checkbox"/> Brad Barnum	<input type="checkbox"/> Mike Dunbar
AIA	<input type="checkbox"/> Kirk O'Brien	<input type="checkbox"/> John Ziebarth
AIA	<input type="checkbox"/> David Pfeifer	<input type="checkbox"/> John Ziebarth
ASLA	<input type="checkbox"/> Steve Halsey	<input type="checkbox"/> Stephen Copley
BIA	<input type="checkbox"/> Kathi Riser	<input type="checkbox"/> Cary Lowe
BIA	<input type="checkbox"/> Scott Molloy	<input type="checkbox"/> Cary Lowe
BID Council	<input type="checkbox"/> Tiffany Sherer	
BIOCOM	<input type="checkbox"/> Faith Picking	
ACEC	<input type="checkbox"/> Rob Gehrke	<input type="checkbox"/> Mike Slawson
Chamber of Commerce	<input type="checkbox"/> Mike Nagy	
EDC	<input type="checkbox"/> Ted Shaw	<input type="checkbox"/> Tony Olekson
In-Fill Developer	<input type="checkbox"/> Michael Galasso	<input type="checkbox"/> James Barone
NAIOP	<input type="checkbox"/> Buddy Bohrer	<input type="checkbox"/> Craig Benedetto
Permit Consultants	<input type="checkbox"/> Brian Longmore	<input type="checkbox"/> Barbara Harris
Small Business Advis. Bd.		<input type="checkbox"/> Warren Simon
Sustainable Energy Advis. Bd.	<input type="checkbox"/> Alison Whitelaw	
LU&H Liaison (non-voting)	<input type="checkbox"/> Stephen Hill	

- 1) **Announcements**
- 2) **Public Comment on Non-Agenda Items**
- 3) **Discussion/Action**
 - A. Voluntary Accessibility Program Amendments-(Action) – Amanda Lee (30 minutes)
 - B. Fee Study-(Action)-Kelly Broughton-(30 minutes)
 - C. Permit and Tentative Map Extensions (Action) – Kelly Broughton (10 minutes)
 - D. Development Impact Fee Deferrals (Action) – Kelly Broughton and Kathi Riser (10 minutes)
 - E. Substantial Conformance Review-Potential Amendments (Action) – Kelly Broughton (15 minutes)
- 4) **Items for next TAC Meeting / Agenda**
- 5) **Future Agenda Items**
 - Chamber Housing Action Plan
 - Managed Competition
 - City Parking Study/SANDAG Parking Study
- 6) **Adjourn – next meeting Wednesday, August 12, 2009 or September 9, 2009**

TAC Mission: “To proactively advise the Mayor and the Land Use and Housing Committee on improvements to the regulatory process through the review of policies and regulations that impact development. And to advise on improvements to the development review process through communications, technology and best business practices to reduce processing times and improve customer service. And to advocate for quality development to meet the needs of all citizens of San Diego.”

Voluntary Accessibility				
	Expedite Processing	Choice of Development Incentive	FAR Bonus 5% per du	Density Bonus 5% per du
At least one dwelling unit voluntarily designed in accordance with Section 145.4004 (Tier I-for accessible living) (<i><u>Tier I unit(s) must include accessible entrance with max ¾ inch threshold</u></i>)		Choice of 1 incentive or FAR Bonus for the voluntary accessible unit(s) only		
At least one dwelling unit voluntarily designed in accordance with Section 145.4005 (Tier II-visitable) (<i><u>Visitable unit(s) must include accessible entrance with max ¾ inch threshold</u></i>)		Choice of 1 incentive or FAR Bonus for the voluntary accessible unit(s) only		
100% of eligible units voluntarily designed in accordance with Section 145.4005 (Tier II-visitable) (<i><u>At least 50% of the visitable units must include accessible entrances with max ¾ inch threshold; Up to 50% of the units may include adaptable entrances</u></i>)	X	1 incentive	X	
100% of the eligible units voluntarily designed in accordance with Section 145.4005 (Tier II-visitable) where <i><u>all visitable units include accessible entrances with max ¾ inch threshold</u></i>)	X	2 incentives	X	
At least 50% of the eligible dwelling units voluntarily designed in accordance with Section 145.4004 (Tier I-for accessible living), with remaining eligible units in accordance with Section 145.4005 (Tier II-visitable) (<i><u>Tier I units must include accessible entrances with max ¾ inch threshold; Tier II units may include adaptable entrances</u></i>)	X	2 incentives	X	
100% of the eligible units voluntarily designed to comply with Section 145.4004 (Tier I-for accessible living) (<i><u>All units must include accessible entrances with max ¾ inch threshold</u></i>)	X	3 incentives	X	X

Previous Concept From Subcommittee				
	Expedite Processing	Choice of Development Incentive	FAR Bonus 5% per du	Density Bonus 5% per du
100% of eligible units voluntarily designed to be “visitable” (<i><u>At least 50% of visitable units must include accessible entrances with max ¾ inch threshold; remaining visitable units may include adaptable entrances</u></i>)	X			
At least 50% of eligible units voluntarily comply with CBC for accessible living and remaining units voluntarily designed to be “visitable” (<i><u>The livable units and at least 50% of the visitable units must include accessible entrances with max ¾ inch threshold; remaining visitable units may include adaptable entrances</u></i>)	X	2 incentives	X	X



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: July 1, 2009

TO: Members of the Technical Advisory Committee

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Voluntary Accessibility Program Amendments

The Voluntary Accessibility Program is intended to encourage the voluntary incorporation of accessible design features in new residential development projects. The proposal was developed in concept by the Technical Advisory Committee (TAC) Accessibility Subcommittee. The goal is to increase the number of accessible housing units in the local housing supply by offering a variety of development incentives to facilitate this type of accessible design.

Residential development projects that are exempt or partially exempt from the CBC accessibility requirements would be eligible for this incentive based program. Any dwelling unit that is voluntarily designed in accordance with this program would be eligible for a development incentive or floor area ratio bonus. The number of development incentives available to a project would increase in accordance with the number of dwelling units voluntarily designed for accessibility and the type of accessible design features included in the units.

The program would result in two main accessible design types, which have been classified as Tier I and Tier II. Tier I dwelling units would comply with the California Building Code requirements for accessibility (Chapter 11A), with an additional requirement for multi story dwelling units to provide a kitchen on the primary accessible level. These dwelling units would be adaptable to meet the accessibility needs of individual occupants. Tier II dwelling units would comply with a modified set of accessible design standards to create "visitable" units by facilitating access to, and access within, the primary level of a dwelling unit which would include at a minimum a kitchen, a bathroom or half bathroom, and at least one common use room.

The Code Monitoring Team reviewed the draft amendments on May 13, 2009, and unanimously recommended approval of the draft with suggested edits related to parking incentives, a choice of FAR bonus or development incentive for projects that provide at least one voluntary accessible

unit, and language related to the parallel approach. The proposed draft before the Technical Advisory Committee reflects these suggested edits.

Much of the discussion that occurred during the TAC Subcommittee meetings was related to the minimum design requirements for access to voluntary accessible units and whether Tier II "visitable" units should be required to provide a maximum three quarter inch step at the entrance to the dwelling unit in all projects. As proposed, some projects would be eligible for the VAP program even where a portion of the units provide an adaptable entrance with a maximum 4 inch step, which is of concern to advocates for greater accessibility. Staff is interested in obtaining input from professionals with experience in the residential development industry to understand what obstacles (if any) exist to requiring a maximum three quarter inch step.

With respect to the proposed incentive program, Attachment 1 shows the comparison between the project categories and the number and type of development incentives available. The main categories include projects with one hundred percent of the eligible units designed in accordance with Tier I, one hundred percent of the eligible units designed in accordance with Tier II, or projects with a combination of Tier I and II design. The types of incentives available include a floor area ratio bonus, density bonus, expedited processing, or a choice of incentive from a menu that currently includes use of tandem parking, reduction of setback requirements up to 10 percent, increase in lot coverage up to 10 percent, increase in height up to 10 percent (to accommodate an elevator or special access lift system only), parking related incentives such as allowing parking in the setback, reducing parking space size, reducing parking aisle width, or reducing the required vehicle landscape area. The Technical Advisory Committee is encouraged to provide input as to whether the proposed development incentives are appropriate, and whether there are additional incentives that would facilitate this type of accessible residential design.

Staff requests that the Technical Advisory Committee review the attached materials related to the proposed Voluntary Accessibility Program and provide a recommendation on the proposed amendments. Additional stakeholder input will be obtained via the Community Planners Committee and an informal public review and comment period, prior to the item being scheduled for a public hearing before the Planning Commission or City Council. Please contact Amanda Lee, Senior Planner, at (619) 446-5367 or ajohnsonlee@sandiego.gov for additional information.



Kelly G. Broughton
Director, Development Services

AJL

Attachments:

1. Voluntary Accessibility Program Table
2. Draft Code Language

Chapter 14: General Regulations
Article 5: Building Regulations
Division 40: Voluntary Accessibility Program

§145.4001 Purpose

The purpose of the Voluntary Accessibility Program is to encourage residential development to incorporate accessible design features and meet the needs of as many users as possible. The intent is to increase the number of accessible dwelling units in the local housing supply by offering development incentives that facilitate this type of accessible design.

§145.4002 When Voluntary Accessibility Program Applies

- (a) Proposed residential development is eligible for this voluntary program as follows:
 - (1) Projects that are exempt from the accessibility requirements of the California Building Code,
 - (2) Projects where only a portion of the residential development is subject to the accessibility requirements of the California Building Code, or
 - (3) Projects where the required accessibility in accordance with the California Building Code would be less accessible than would be achieved through the Voluntary Accessibility Program.
- (b) In consideration of the benefit to the community, projects with dwelling units that are voluntarily designed to be accessible may be granted development incentives in accordance with Section 145.4003.
- (c) The Voluntary Accessibility Program does not apply to dwelling units requesting reasonable accommodations in accordance with Section 131.0466.

§145.4003 Voluntary Accessibility Program Regulations and Development Incentives

- (a) Development incentives specifically granted under the Voluntarily Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require processing of a deviation from the underlying base zone.
- (b) The decision process for a development requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the development proposal.

(c) The *development* incentives available to a project shall be determined by the number of *dwelling units* that would be voluntarily designed for accessibility. Eligible voluntary accessibility program projects may be granted incentives in accordance with either (c)(1), (2), (3), or (4) as follows:

- (1) Where a project includes at least one *dwelling unit* voluntarily designed in accordance with Section 145.4004 or Section 145.4005:
 - (i) The project may be granted either a *floor area ratio* bonus up to a maximum of 5 percent or a choice of one *development incentive* from Section 145.4003(d) for each *dwelling unit* that is voluntarily designed in accordance with Section 145.4004 or 145.4005. *The floor area ratio bonus or development incentive is limited to units that are voluntarily designed in accordance with this program and may not be redistributed across the project as a whole.*
 - (ii) For the purpose of Section 145.4003(c)(1), *dwelling units* shall be designed with an accessible entrance in accordance with Sections 145.4004 and 145.4005(b)(1).
- (2) Projects with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4005 may be granted:
 - (i) A maximum of two *development* incentives from Section 145.4003(d) where *dwelling units* are designed with an accessible entrance at the primary level in accordance with Section 145.4005 (b)(1), or a maximum of one *development* incentive where an adaptable entrance is provided as an alternative in accordance with Section 145.4005(b)(2) for up to 50 percent of the units voluntarily designed in accordance with Section 145.4003(c)(2).
 - (ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* voluntarily designed in accordance with Section 145.4005, and
 - (iii) Processing through the City's Expedite Program.
- (3) Projects with at least 50 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 and the remaining eligible *dwelling units* designed in accordance with Section 145.4005 may be granted:

Comment [a3j1]: This category type was not included in the subcommittee draft. It would grant either an FAR bonus or development incentive for any unit voluntarily designed in accordance with Tier I or II and would require the max ¾ inch threshold at the accessible entrance.

Comment [a3j2]: The subcommittee draft, included only the 50/50 mix in this category which would have received expedited processing as the only incentive. As proposed, development incentives and an FAR bonus would also be granted. An additional development incentive would be granted for a project with 100 percent of the units designed with a max ¾ inch step entrance.

Comment [a3j3]: Should a minimum number of units be specified for this category?

Comment [a3j4]: Should an additional incentive be incorporated where a full bathroom is provided on the primary level for each "visitable" unit? (i.e density bonus) Section 145.4005 only requires a half bathroom be provided.

Comment [a3j5]: Should the entrance be addressed for this category or should an additional category be created? Under the subcommittee draft, this category would have received the same incentives plus a density bonus. In addition, half of the "visitable" units would have been required to be ¾ inch step max.

Comment [a3j6]: Should a minimum number of units be specified for this category?

- (i) A maximum of two *development* incentives from Section 145.4003(d).
 - (ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* voluntarily designed in accordance with Sections 145.4004 or 145.4005, and
 - (iii) Processing through the City's Expedite Program.
- (4) Projects with 100 percent of the eligible *dwelling units* voluntarily designed in accordance with Section 145.4004 may be granted:
- (i) A maximum of three *development* incentives from Section 145.4003(d).
 - (ii) A *floor area ratio* bonus up to a maximum of 5 percent for each *dwelling unit* in the project,
 - (iii) A *density* bonus up to 5 percent based on the pre- bonus number of *dwelling units* in the project, and Processing through the City's Expedite Program.
- (d) Development **Incentives**

Where Section 145.4003 indicates that a project is eligible for one or more *development* incentives, an *applicant* may select from the following:

- (1) Tandem parking spaces designed in accordance with Section 142.0560 may be used to meet the applicable parking requirement, where at least one parking space provides an additional 5 feet in width (loading area) with a slope not to exceed one quarter inch per foot in any direction in accordance with California Building Code Section 1109A.8.5. An *applicant* may request tandem parking that does not meet the loading area and/or slope requirements as an additional *development* incentive.
- (2) A modification of the applicable parking regulations in Section 142.0560 may be requested as follows:
 - (A) A reduction of the minimum dimensions for *off-street parking spaces* to a minimum of 7.5 feet wide by 15 feet long, or

Comment [a3j7]: This category type was not included in the subcommittee draft. It would grant the greatest number of incentives for a project designed 100 percent in compliance with CBC accessibility requirements thereby increasing the number of livable, accessible units.

Comment [a3j8]: Should a minimum number of units be specified for this category?

Comment [a3j9]: Council Policy 600-27 would be revised accordingly to include the VAP program with other incentive programs.

Comment [a3j10]: Are these incentives appropriate? Are there additional incentives that should be added?

(B) A reduction of the drive aisle width to a minimum of 22 feet, or

(C) A reduction of the required motorcycle or bicycle facilities, or

(D) A reduction of the driveway width consistent with the minimum dimensions specified in Table 142-05L.

~~(2)~~(3) The applicable setback regulations may be reduced up to 10 percent for proposed structures, or required parking spaces may be located within the required setback where they would not encroach into a required visibility area.

~~(3)~~(4) The applicable lot coverage regulations may be exceeded up to 10 percent.

(5) The applicable maximum structure height regulations may be exceeded by up to 10 percent to accommodate an elevator or special access (wheelchair) lift system. The maximum structure height may not exceed height limits required within the coastal height overlay zone or the airport land use compatibility overlay zone.

~~(4)~~(6) The applicable landscape requirements may be modified or reduced as necessary to accommodate an accessible route of travel.

§145.4004 Tier I Accessible Design Standards

(a) In order to meet the Tier I Accessible Design Standards, dwelling units shall comply with the California Building Code requirements for accessibility (Chapter 11A), except as otherwise indicated in Section 145.4004(b) or (c).

(b) For the purpose of this section, dwelling units developed with multiple stories shall provide a kitchen on the primary accessible level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements in accordance with Section 145.4004(a).

(c) Accessible entrances designed for Tier I dwelling units shall be permitted up to a maximum of three quarters of an inch in height differential between the exterior and interior landings.

§145.4005 Tier II Accessible Design Standards

The Tier II Accessible Design Standards are intended to encourage “visitable” dwelling units that facilitate access to, and access within, the primary level of a dwelling unit by disabled persons. The primary level of a Tier II accessible dwelling unit shall include accessible routes of travel and spaces (a kitchen, a bathroom or half bathroom, and at least one common use room) designed as follows:

(a) Accessible Exterior Route of Travel

At least one exterior accessible route of travel shall connect an accessible entrance to either the sidewalk or driveway. The exterior route of travel shall be designed as follows:

- (1) A width in compliance with California Building Code Section 1113A.1.1;
- (2) A maximum slope less than 1 unit vertical and 12 units horizontal with a maximum 2 percent cross slope; and
- (3) A level landing area of 5 feet in length shall be provided for every 30 inches of rise.
- (4) Handrails are not required.

(b) Accessible Entrance to the Primary Level

- (1) At least one accessible entrance to the primary level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.
- (2) In lieu of Section 145.4005(b)(1), the entrance may be designed to be adaptable for accessibility as follows:
 - (A) A maximum of 4 inches in step height between the exterior and interior landings;
 - (B) A minimum clear space of 12 inches in length for every 1 inch in step height on the exterior side of the door to accommodate a future ramp;
 - (C) The ramp clear space shall not overlap the exterior landing;
 - (D) Interior and exterior landings with a minimum length of 48 inches in the path of travel; and

(E) An entry door with a net clear opening of 32 inches.

(c) Accessible Interior Route of Travel

At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1120.A.1. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary level:

- (1) At least one bathroom or half bathroom.
- (2) The *kitchen*, and
- (3) Any common use rooms such as a living room or family room.

(d) One Kitchen on the Primary Level

A *kitchen*, located along the interior accessible route of travel on the primary level, shall be provided in accordance with the following:

- (1) A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cooktop, the *kitchen* sink, ~~and either a parallel or forward approach at the~~ oven, dishwasher, and refrigerator/freezer.
- (2) In lieu of Section 145.4005, a *kitchen* with a pass through design may provide a 39 inch wide or greater accessible route of travel to a range or cooktop, *kitchen* sink, oven, dishwasher and refrigerator/freezer.
- (3) *Kitchen* sink faucet controls shall use lever hardware or other similar hardware.
- (4) A minimum linear length of 30 inches of countertop space shall be provided adjacent to the *kitchen* sink.

(e) Bathroom or Half Bathroom on the Primary Level

At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary level, shall be provided in accordance with the following:

- (1) The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Chapter 1134.A.4.

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- (2) Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.
- (3) A minimum clear space of 30 inches by 48 inches for parallel approach shall be provided at the lavatory. Maneuvering spaces may include any knee-space or toe-space available below bathroom fixtures.
- (4) A minimum clear space of 30 inches by 48 inches for forward approach shall be provided at the toilet.
- (5) When provided, a minimum clear space of 30 inches by 48 inches for parallel approach shall be provided at the shower or bathtub.
- (6) Faucet controls shall use lever hardware.
- (7) Clear spaces at the sink, toilet and shower/bathtub may overlap or coincide.
 - (f) Common Use Room(s) on the Primary Level

The accessible primary level shall include at least one common use room such as a living room or family room.

(g) Accessible Design and Fixtures on the Primary Level

Accessible rooms located along the interior accessible path of travel and the accessible entrance to the primary level shall comply with the following:

- (1) Doors
 - (A) Doors shall have a minimum net clear opening of 32 inches.
 - (B) Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required except for pocket doors or sliding doors.
 - (C) Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.
- (2) Electrical Outlets and Fixtures

- (A) Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.
- (B) Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.

Existing Reasonable Accommodations regulations are included for reference only:

§131.0466 Deviations from Development Regulations for Reasonable Accommodations

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that jurisdictions make *reasonable accommodations* to afford *disabled persons* the equal opportunity to use and enjoy a dwelling. In consideration of the special need and the potential benefit that can be accomplished with a requested modification, deviations may be approved through Process One subject to the following:

- (a) The *development* will be used by a *disabled person*;
- (b) The deviation request is necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;
- (c) The deviation request will not impose an undue financial or administrative burden on the City;
- (d) The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations.
- (e) For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.